

REMARKS

The office action first indicates that the first sentence in the specification needs to be changed to reflect the priority claim correctly. This was previously done in the Preliminary Amendment filed with the application, see p. 2, item B.

Claims 21-48 have been cancelled without prejudice in view of the clarifying new claims presented in this paper.

The office action also stated that the Preliminary Amendment added new matter. This is incorrect. The amendments to the specification: A) changed the title to Bundling Tie; B) added the priority claim; C) amended paragraph 0028 to correct one reference number; D) amended paragraph 0032 to also correct one reference number. This does not constitute addition of new matter. This rejection should be overtly withdrawn in the next paper from The Patent Office.

The claims were rejected under §112, ¶ 1, as using terminology which was not reasonably presented in the application as filed. The first term indicated was "interlock features". The application as filed utilized the term interlock at the following locations: ¶ [0008], lines 8 and 10; and in the next-to-last sentence in original claim 1. The specification also states in ¶ [0034] as follows:

In compliance with the statute, the invention has been described in language more or less specific **as to structural and methodical features. It is to be understood, however, that the invention is not limited to the specific features shown and described,** since the means herein disclosed comprise preferred forms of putting the invention into effect. The invention is, therefore, claimed in any of its forms or modifications within the proper scope of the appended claims appropriately interpreted in accordance with the doctrine of equivalents. (emphasis added)

Thus the term interlock has been used and the quoted passage indicates that both structural and methodical features have been shown and that the invention is not limited to the specific features shown and described.

However, to clarify the subject matter being claimed, the objected to language has not been used in the new claims presented herein, even though support exists for the old language in the application as filed.

New claim 49 is not shown nor is it obvious from the prior art. This claim defines an apparatus forming a bundling tie which securely attaches at a first loop to a single portion of a workpiece, such as an electrical cord or hose. The claim also defines a bundling tie which forms a second loop which can be unlatched with reduced force compared to the first loop. This is important in keeping the first loop secured on the workpiece while allowing easy disconnection of the second loop which is frequently formed about a bundle of segments of the workpiece.

The above functional differences are supported by claimed structural features. The locking portion has first and second closed locking slots with narrow and enlarged ends. Between the narrow and enlarged ends are intermediate necked down portions. The claim recites that the necked down section of the first locking slot is smaller than the larger necked down portion of the second locking slot. This provides the more secure attachment of the first loop which goes about a single segment of the workpiece and is rarely disconnected. It also recites that the unlatching force needed for the second locking slot is reduced compared to the unlatching force needed for the first locking slot.

Claim 49 is also non-obvious in that it recites that the first and second locking slots are oriented in the locking portion such that the first and second reduced openings are positioned towards a connection between the strand and the locking portion.

None of the prior art references shows or suggests the subject matter defined by claim 49. The previously applied reference to Toepfer (No. 2,961,785) does not have slots with necked down intermediate sections between enlarged ends and narrow ends. Toepfer also does not provide any teaching concerning a tie which is connected by a first loop to a single workpiece section and a second loop which extends about a bundle of workpiece sections. Toepfer only teaches an identification band having two dimensional barbs that can be fitted into tapered slots to achieve more adjustment in the length of the identification bands. No where in Toepfer is there any indication that the identification band is to serve to form two different loops that engage the workpiece in the manner recited by claim 49.

Also applied in the last office action was the Hayashi patent (No. 4,531,783). This reference was stated as teaching that an accessory holder could act as a bundling tie. The reference shows a tool holder connected to a mounting section, preferably in an integrated structure. It also shows such a tool mount on a single electrical cord. However, there is no teaching showing the combination of features defined in claim 49.

Firstly, Hayashi does not show a structure which is explained capable of the basic function of applicant's invention. It does not have a locking portion having first

and second locking slots. It does not have any showing that the mounting belt is received in two different holes to provide two different loops, one for securing about a first cord segment and a second loop for receiving a bundle of cord segments. It does not show locking slots having the features of construction recited in claim 49; namely, the closed locking slots have enlarged ends and narrow ends with intermediate necked down sections between. Hayashi appears to do little more toward rendering the subject matter of claim 49 obvious, than to show a tool holder that can be bound onto an electrical cord.

Claim 49 is also non-obvious over the patent to Lefnaer (No. 3,072,986). Lefnaer also does not show the basic function of applicant's invention to attach securely to one segment of a workpiece, such as an electrical cord, and then to receive a bundle of electrical cord segments or sections in a second loop. Lefnaer merely teaches a bag lock and package holder that has a handle formed by a second loop used for carrying the bag or package. The orientation of the slots are not oriented in the locking portion of the tie so that both narrow ends of the slots are toward the connection made with the strand. This is significant because in the applicant's invention narrow ends of the locking slots bear weight. Lefnaer also involves a tie that bears weight, but since it does not perform the basic function of the applicant's invention of connecting to a cord and then allowing it to be coiled and form a bundle of cord sections that are detachably held by a second loop.

Neither Lefnaer nor the other references shows a construction of two locking slots, the first slot having a narrower intermediate necked down portion than the

second slot. This is significant in that the first loop will hold more securely and thus have more unlatching force than the second loop lock. The applicant has invented a locking slot arrangement which has less unlatching force for the second loop than the first loop. This is of import to those who actually use the bundling ties to hold a coil of cable or hose in a coiled position yet maintain the position of the bundling tie on the coil in a more securely held first loop. This is not shown nor suggested within the meaning and interpretation of §103 as to be obvious.

The term "locking portion" as used in the new claims does not constitute new matter. The "tab" is at numerous places described to have the first and second locking slots and perform a locking or latching function. The passage from the specification at p. 5, second line from the bottom, indicates that aside from the accessory and handle versions that other "portions" of the tie are held in common. Numerous other parts of the tie are described as "portions." Thus the term locking portion is fully supported by the specification as filed and does not raise new matter.

Similar support is provided in the application as filed for the term "three dimensional locking features. In the specification at ¶ 0008, lines 3-5 thereof the term "three dimensional" is used in reference with the "beads". In the same paragraph there is clear reference to the beads or three dimensional locking features are described to interlock with the locking slots. The quoted passage given above also indicates that the various parts are called features. Thus the term "three dimensional locking features" is fully supported by the application as filed and does not add new matter.

Claim 50 is allowable for the reasons given above with regard to claim 49. It is additionally allowable because it recites a combination of features not shown nor rendered obvious by the prior art. It further adds to the features of claim 49 by reciting that the strand has two different sections on the strand of locking features with different spacings. This feature underscores the basic function of applicant's device because the two loops function in different capacities.

Claim 51 is allowable for the reasons given above with regard to claim 49 and because the recited combination further includes an accessory holder.

Claim 52 is allowable for the reasons given above with regard to claim 49 and because the recited combination further includes a hanging hole in the locking portion.

Claim 53 is allowable for the reasons given above with regard to claim 49 and because the recited combination further includes a handle. This further shows the distinction with regard to Lefnaer because in that patent the second loop forms a handle. The applicant's invention thus is contrasted and further rendered non-obvious by this difference and difference in the basic function of applicant's inventions.

Claim 54 is allowable like claim 49 and because it recites as the patentable combination the features of having a handle and hanging hole that is either on the handle or locking portion of the bundling tie.

Claim 55 is a second main claim similar to claim 49 except the directional orientation of the slots is not recited. However, all other statements given above in

support of the non-obviousness of claim 49 also support the non-obviousness of claim 55. Dependent claims 56-61 are further allowable because of the same or similar arguments given above with regard to dependent claims 50-54.

Section 103 requires that a patent be granted if the claims define subject matter which is not obvious from the prior art. The numerous patents showing various ties indicates that many attempts have been made. However, the prior attempts do not render obvious the inventions now claimed in this application.

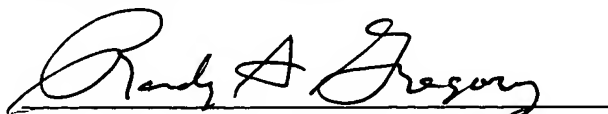
An obviousness-type double patenting rejection was given; however, it was done without specifying the prior patent. Presumably, it is the applicant's prior U.S. Pat. No. 6,640,393. Enclosed herewith is a terminal disclaimer which is believed to fully address this rejection.

The information disclosure statement has been filed to make certain of the references of the parent application of record in this application. Some of the references cited in the parent application are not sufficiently relevant to warrant their citation in this application and thus have not be listed.

All claims in this application are believed to represent non-obvious and novel combinations. Thus, all are believed in condition for allowance and favorable action is respectfully urged.

Respectfully Submitted,

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